UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

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| IN RE:<br>AMERICA CAQUIAS APONTE<br><br>DEBTOR (S) | CASE NO. 08-07934-ESL<br><br>CHAPTER 13 |

# TRUSTEE'S UNFAVORABLE REPORT
# ON PROPOSED POST CONFIRMATION PLAN MODIFICATION

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **$0** **R2016 STM**. **$0.00**

**TOTAL ATTORNEYS FEES THRU PLAN: $0.00 Fees paid: $0.00 Fees Outstanding: $0.00**

With respect to the proposed (amended) Plan dated: **10/1/2010** (Dkt 83). Plan Base: **19,140.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.
  Arrears under the proposed plan of $1,740.00 or 4 months.

- Other/Comments
  The Trustee respectfully requests this Honorable Court to take notice of the abovementioned and enter an order dismissing the instant case.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this February 01, 2011.

/s/ Jose R. Carrion

/s/ Mayra Arguelles -Staff Attorney

JOSE R. CARRION
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